

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES
DECEMBER 9, 2010
COUNCIL CHAMBERS
6:30 p.m.**

CALL TO ORDER: Mayor Deborah A. Norkavage called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

MAYOR	DEBORAH A. NORKAVAGE	PRESENT
1 ST DISTRICT	JOHN JAREMCHUK, JR.	PRESENT
2 ND DISTRICT	STEVEN BURG	PRESENT
3 RD DISTRICT	THOMAS S. NOVAK, JR.	PRESENT
4 TH DISTRICT	CHARLES MCKEWEN	ABSENT (excused)
5 TH DISTRICT	JOANN I. PERSONTI	PRESENT
6 TH DISTRICT	JOHN N. PASQUALE, JR.	PRESENT

Town Manager, John Giles – Present
Town Solicitor, Edward McNally – Absent
Chief Scott McLaren – Present

PUBLIC COMMENT:

None

APPROVAL OF MINUTES:

Mayor and Council considered the approval of the Minutes of the November 11, 2010 Council Meeting.

ACTION: A motion was made by Councilwoman Personti to approve the Minutes of the November 11, 2010 Council Meeting with no corrections. The motion was seconded by Councilman Novak.

VOTE:

6 – 0, with 1 - Absent

Motion carried

PRESENTATION:

Mr. Bill Swiatek, Senior Planner of WILMAPCO spoke at great lengths regarding goals, actions, objectives and concerns in reference to upcoming projects that should be completed in the future, but may not have available funding for.

OLD BUSINESS:

Mayor And Council considered approving for Third and Final Reading of Revised Ordinance 487, as well as a Public Hearing.

An Ordinance re-creating Chapter 900 of the Code of the Town of Elsmere which establishes the procedures for Municipal Elections.

ACTION: A motion was made by Councilman Jaremchuk to adopt Revised Ordinance 487 for Third and Final Reading The motion was seconded by Councilwoman Burg.

VOTE:

6 – 0, with 1 - Absent

Motion carried

Mayor and Council considered approving for Third and Final Reading of Ordinance 516.

An Ordinance requiring that a permit be issued for Re-Grading and Excavating activities.

Councilman Pasquale read the synopsis of Ordinance 516.

ACTION: A motion was made by Councilman Pasquale to adopt Ordinance 516 for Third and Final Reading. The motion was seconded by Councilman Novak.

VOTE:

6 – 0, with 1 - Absent

Motion carried

NEW BUSINESS:

Mayor and Council considered approving for First and Second Reading of Ordinance 526.

An Ordinance amending Chapter 183 (Rental Permits) by adding to the definition of a rental unit “any dwelling which is not occupied by the legal property owner and is occupied by anyone other than the legal property owner”.

ACTION: A motion was made by Councilman Burg to approve for First and Second Reading of Ordinance 526. The motion was seconded by Councilman Novak.

At this time there was discussion concerning the pros and cons regarding Ordinance 526.

Councilman Jaremchuk called the question.

VOTE:

1st District Councilman Jaremchuk – No, 2nd District Councilman Burg – Yes, 3rd District Councilman Novak – Yes, 4th District Councilman McKewen – Absent, 5th District Councilwoman Personti – No, 6th District Councilman Pasquale – No, Mayor Norkavage – No

2 – In Favor, 4 – Opposed, with 1 – Absent (4th District Councilman McKewen)

Motion Failed

Councilman Jaremchuk and Councilwoman Personti gave updates on the proposed Greenville Center, Barley Mill Plaza proposal by Stoltz Reality.

Councilwoman Personti reported a secondary plan that involves three properties that indirectly impact us either by traffic or water flow. Regarding the first project, the only plan is to expand the parking area where the old Kirkwood Fitness Center was located in Greenville. The second area concerns a Columbia gas site which they are planning for a rezoning with new deed restrictions being posed there. They want it rezoned as a Commercial/Retail and put in some sort of restaurant. The Greenville Center changes would be focused on the rear side. Regarding the Barley Mill Site, it was reduced to 1.6 million square feet. The front area would be zoned Commercial and there would be pad sites put in. The rear side of the office buildings would stay the same. There would only be minimal landscaping done. The 75,000 square feet would only stay for twenty (20) years, then after the twenty (20) years they would be

able to expand to 79,000 square feet. There would also be thirty-six (36) feet high parking garages with the office buildings. The unresolved issues are traffic, signage, aesthetics and landscaping. In this deal, they guarantee to meet the County Code and to also capture water that would come onto their property and release it at an appropriate flow rate.

Councilman Jaremchuk informed Mayor and Council that Duffield and Associates along with New Castle County have agreed to conduct a study regarding the aforementioned issues.

Councilwoman Personti further stated they will continue to monitor this aspect of the proposals, and will also work closely with CRG and keep Mayor and Council updated.

Mayor Norkavage thanked Councilwoman Personti and Councilman Jaremchuk for their efforts on their behalf regarding this matter, and for also keeping them updated.

Mayor and Council considered the approval of Petition Number 10-8.

A Petition seeking the subdivision of Property Tax Parcel Number 19-00-200-103, also known as 319 South Cleveland Avenue to allow a portion of that property to be conveyed and become a part of Property Tax Parcel Number 19-00-200-098.

Town Manager, John Giles stated in regards to Petition Number 10-8, there are two siblings who own two tax parcels and one of the siblings wants to move the property line which would give the other sibling more land. The Planning Commission reviewed it and after hearing testimony they voted to recommend Mayor and Council approve the application with no restrictions. Basically it is nothing more than moving the property line.

Mr. John Meyers explained the purpose of the plan is to subdivide the land owned by Jane Young into two lots and to be conveyed to and become a part of the land owned by him, which would remain an individual parcel. He further stated it was due to safety issues regarding his children.

ACTION: A motion was made by Councilman Pasquale to allow the property be subdivided as the applicant wishes. The motion was seconded by Councilman Jaremchuk.

VOTE:

6 – 0, with 1 - Absent

Motion carried

Mayor and Council considered a request by the State of Delaware Department of Elections for New Castle County, to utilize the Town Hall as a polling place for the Special Election to be held on January 13, 2011 for the purpose of filling the vacancy which exists in the office of President of New Castle County.

Mr. Giles explained this is the same night as January's Council Meeting. He further stated the Elsmere Library, Recreation Center and Senior Center will all be open for business that day.

Assistant Town Manager, Tina Law recapped the conversation she had with Barbara Lippincott of the Department of Elections, which she expressed a genuine concern if not granted the use of Town Hall as a polling place. Ms. Lippincott further explained they would then have to go through an extensive process to find another polling place, letters would then have to be sent out making individuals aware of their new polling place site.

Mayor and Council verbally agreed Town Hall would be open for business the day of the Special Election which is being held on January 13, 2011, and the Department of Elections is granted the use of Town Hall for polling purposes that day. Also, the Agenda for the January 13, 2011 Council Meeting would be kept very light.

Mayor and Council considered a request by the Chief of Police to purchase a new vehicle.

Chief McLaren gave an update on the vehicles that are currently being used in the Police Department and the costs that are being incurred for maintaining them. He further requested Mayor and Council's permission to purchase a new 2011 Crown Victoria which the total cost of the vehicle along with the equipment that would be installed is \$31,087.00. Also, if the funds are available, he is requesting it come from the Red Light Camera Fund.

Mr. Giles and Finance Director, Joseph Schulcz verified there was \$34,941.00 in the Red Light Camera Fund.

ACTION: A motion was made by Councilman Jaremchuk to authorize \$31,087.00 to be taken out of the Red Light Camera Fund to purchase the 2011 Crown Victoria for the Police Department. The motion was seconded by Councilman Burg.

VOTE:

6 – 0, with 1 - Absent

Motion carried

DEPARTMENTAL REPORTS:

Public Safety:

Chief McLaren gave a demonstration of the NCCPD Portal system. He further reported all officers can view live updates, officer safety bulletins and crime trends.

Chief McLaren reported on the following issues:

- He will be working with NCCPD Community Services with “Burglary Prevention” seminar this month.
- Gave update on parking issues and traffic back-up on Rt. 2 that occurred during the BJ’s job fair at the Elsmere Firehouse which drew over 1,000 people.
- Meeting held with Greenbrier residents and Officer Phil Young which turned out to be very positive. In the future, a supervisor is mandated to attend any community meetings that an officer schedules.
- Increased community policing efforts with all officers on foot patrol throughout the Town.
- Updated on the juvenile who ran away to “Puerto Rico”, which Officer Haines continues to investigate this case.
- Updated on the burglaries that border the Town and the burglary that Ptlm. Rodick handled that occurred within the Town which resulted in an arrest and all property taken was recovered.
- Updated on motor vehicle traffic violation conducted and investigated by Ptlm. Mitchell, which he discovered twenty-five (25) grams of suspected marijuana and paraphernalia which was seized along with the suspects vehicle.
- Continue reviewing the possible replacement of departmental handguns.

Code:

Progress

Public Works:

Mr. Giles reported they are getting the plows and spreaders prepared for the winter weather.

Finance:

Due to the Special Election being held the same day as January’s Council Meeting, the audit will be deferred until the February Council Meeting.

Town Manager's Report:

Mr. Giles reported on the following issues:

- The Best Decorated House Contest.
- He will be carrying over approximately twelve (12) days vacation.
- Mayor and Council's invitation to Senator Carper's Holiday Party
- Notification of Senate Bill 3991, which is the Federal version of the mandatory public safety and employee's cooperation act on mandatory bargaining , was voted to kill the debate on the bill.
- A letter that Mayor Norkavage needs to sign regarding the community rating system that would benefit our residents getting a discount on insurance regarding flood plains.

Councilman Pasquale reported he received one complaint from a resident stating they missed the parade because it wasn't announced on the Town's website.

Councilman Novak asked if Public Works would be painting the word "Stop" on the streets when the new "Stop" signs are installed.

Mr. Giles responded that Public Works would start the painting once the weather warms up.

ADJOURNMENT:

ACTION: A motion was made by Councilman Novak to adjourn. The motion was seconded by Councilman Pasquale.

VOTE:

6 – 0, with 1 - Absent

Motion carried

The meeting was adjourned at approximately 8:35 p.m.

These minutes summarize agenda and other issues discussed at this Council Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tapes may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

**DEBORAH A. NORKAVAGE
MAYOR**

**JOANN I. PERSONTI
SECRETARY**